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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/471,696	12/23/1999	THIRU SRINIVASAN	1649-(USW-05	7829

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EXAMINER

KRAMER, JAMES A

ART UNIT PAPER NUMBER

3627

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/471,696

Applicant(s)

SRINIVASAN, THIRU

Examiner

James A. Kramer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-19 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-19 and 21-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Examiner notes that this Office Action is in response to the Decision on Appeal from the Board of Patent Appeals and Interferences submitted 10/28/04.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-9, 11-19 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over www.biddersedge.com (Bidder's Edge) in view of www.monster.com (found using www.archive.com's WayBack Machine).

Bidder's Edge is an auction search engine comprising an input field for buyers to enter a product identifier related to a product they desire, a method for monitoring a plurality of auction sites through electronic data interchange messaging, a method to compare and determine if the desired product is for sale on any of the auction sites, a system that notifies the buyer if the desired item is for sale with the current bid for the product, (this includes notification by e-mail) and a method for allowing the user to place a bid with the auction site. As disclosed by applicant on page 5 lines 9-10 the examiner interprets the "product identifier" to be any parameter of the desired product. In addition, the examiner interprets the limitation "monitoring" in claim one to mean checking by means of a receiver for significant content.

Bidder's Edge further includes an option to include a category identifier or description identifier with the product identifier to aid in the monitoring for the desired product. Bidder's Edge also includes a method to erase the product identifier from the site after the buyer has been notified that the desired product is for sale. Finally, Bidder's Edge includes a "Deal Watch" section that provides the user with a daily report, via e-mail of all auctions offering items that

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satisfy search criteria. Inherent to this feature is a database that stores the search criteria of the buyers desired products.

Bidder's Edge does not teach a method of scanning the database of desired products from the auction site, in order to determine a product desired by the buyers.

Monster.com teaches a job search system where companies (sellers) input jobs (products) that they have available. Job seekers (buyers) enter their qualification/resumes to Resume City (scan site), if a job that meets their requirements is found they are notified. In addition, an HR representative from a company (seller) has access 'Cruiter (auction site). 'Cruiter allows the HR representative to 1) post available jobs (products) and 2) create a profile of the ideal candidate. 'Cruiter (auction site) can use the profile of the ideal candidate to search a list of current resumes in Resume City (scan site). 'Cruter also runs automatic searches of Resume City when new resumes are entered to Resume City. When/if matching resumes are found the system delivers them to the HR representative (monster.com; Reference D; under heading: How will 'Cruiter work for me?).

Monster further teaches that the HR representative is motivated to use this feature in order for companies (sellers) to find candidates (buyers) for their jobs (products) quickly and easily (monster.com; Reference D under heading Meet 'Cruiter).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to for a seller (company) to search the desired product database (Resume City) of Bidder's Edge in the manner taught by the 'Cruiter feature of monster.com in order for sellers (company) to find buyers (candidates) for their products (jobs) quickly and easily (monster.com; Reference D under heading Meet 'Cruiter).

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It is the practice of the Office to utilize "The WayBack Machine" at www.archive.org. The Internet Archive is a comprehensive library of Internet sites and other cultural artifacts in digital form. The Wayback Machine is a free service allowing people to access and use archived versions of past web pages within the Internet Archive. Visitors to the Wayback Machine can type in a URL, select a date range, and then will be able to search and view the Internet Archive's enormous collection of web sites, dating back to 1996 and comprising over 10 billion web pages. Examiner notes that the archived version of www.monster.com used for this Office Action was found using the WayBack Machine.

Response to Board Decision

The Decision on Appeal from the Board of Patent Appeals and Interferences submitted 10/28/04 asserted that Examiner failed to establish a prima facie case of obviousness. This decision was supported based on the fact that McGovern did not show two-way searching. The Board stated that while the features of McGovern were analogous to the claimed step of "monitoring the auction site with the scan site"; the reference failed to suggest "monitoring the scan site with the auction site" since a company could only search resumes that it had received for a particular advertised position. In other words, McGovern lacked true two-way searching because the scan site only monitored a subset of the auction site, rather than the entire auction site.

In response to this decision, Examiner has submitted as prior art www.monster.com. Examiner asserts that monster.com specifically teaches two-way searching. In particular, a user enters information about their qualifications (including a job they are interested in) into Resume City (scan site). At the same time a Company post available positions to a database using 'Cruitier (auction site). Further, job seekers (buyers) are able to use Resume City (scan site) to

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search for available jobs (products) on 'Cruiter (auction site), while companies (sellers) are able to use 'Cruiter (auction site) to search Resume City (scan site) for ideal candidates (buyers) to take their positions (jobs). This reference overcomes the failures of McGovern because the companies (sellers) use 'Cruiter (auction site) to search every resume within Resume City (scan site) regardless of whether the individual who submitted the resume expressed interested in the company.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (703) 305-5241. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (703) 305-4716. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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